REMARKS:

With this amendment, claims 1-4, 21-23, and 34-39 are amended. No new matter is added in that the amended claim language is explicitly or implicitly supported by the specification as filed. Claims 1-49 remain pending. Applicants respectfully request reexamination and review of the pending claims.

CLAIM REJECTIONS

Double Patenting

Claims 1-49 are rejected under the judicially created doctrine of obviousness double patenting over claims 1-20 of U.S. Patent No. 6,330,817 to Frolov in view of U.S. Patent 6,300,873 to Kucharczyk et al.

Frolov describes a locking device and using a computer to remotely control the locking device. Frolov does not describe or suggest the use of the internet, the generation of a request using a web browser, or a system including a web server. Thus, Frolov does not describe or suggest a system having a web server operative with a computer processor and being configured to receive and respond to one or more requests communicated from a web browser as defined in claim 1. Further, Frolov does not describe or suggest an application server operative with the computer processor and being configured to communicate with the web server and the database server for processing the requests, the processing of the one or more requests comprising formulating one or more system commands in response to the one or more requests, as also defined in claim 1. Further, Frolov does not describe or suggest a controller of an electronically controlled locking device having a database memory wherein a system command operates to modify the data stored in the database memory, as defined in claim 1.

With respect to Kucharczyk, this reference describes a system for providing one time access codes for a locking mechanism. A request for an access code is received and a one-time use access code for the locking mechanism is subsequently issued. This access code is issued from a list of currently available access codes or generated using a random number generator and is issued by a server to a user for a one time code to access the locking mechanism. Access codes are issued to be sequentially used or to be used within a sliding window. However, Kucharczyk does not describe or suggest a system having a web server operative with a

computer processor and being configured to receive and respond to one or more requests communicated from a web browser, as defined by claim 1. While the use of the internet as a communications media is described in Kucharczyk, the use of a web browser to access the server 30 is nowhere suggested. Further, Kucharczyk does not describe or suggest a controller of an electronically controlled locking device having an associated database memory for storing a credential list for the access point and other data such that the controller automatically effects locking and releasing of the lock upon the presentation of a proper credential regardless of the state of the communication link, and wherein a system command operates to modify the data stored in the controller database memory, as defined by claim 1. In other words, in Kucharczyk, once the communication link (PSTN 42, RF network 40, Internet or other network 38) between server 30 and locking device 28 is inoperable, locking device 28 does not have a controller that automatically effects locking and releasing of the lock upon the presentation of a proper credential.

Thus even assuming any motivation to combine Frolov and Kucharczyk, any resultant combination simply does not include all the elements of claim 1, and claim 1 therefore defines over these references. Claims 2-20 depend from claim 1 and are allowable at least for the reasons recited above with respect to claim 1.

Further with respect to claim 2, neither Frolov nor Kucharczyk describe or suggest a system wherein system commands are incorporated into electronic messages in electronic mail (e-mail) format to communicate with a mail server as recited in claim 2. The use of e-mail format for messages between a CMO server and a controller of a locking device is simply not described or suggested anywhere in these references. Further, neither reference describes or suggests a local gateway configured to communicate with a local mail server and a controller, as recited in claim 2.

With respect to claim 9, there is no mention in either reference of a gateway, and no mention of a gateway that converts the electronic messages from an electronic mail format to LonTalk protocol, as recited in claim 9.

Claims 21, 34, and 36 are similar in relevant respects to claim 1, and are allowable for the same reasons. Claims 22-32 depend from claim 21, claim 35 depends from claim 34, and claim 37 depends from claim 36, and as such are also allowable.

Amended claim 38 recites a step for selecting an appropriate electronic format for one or more system commands depending upon whether one or more computer managed openings are stand-alone, network or modem based, wherein this step is performed by the application server and comprises selecting file transfer protocol for the system commands where the computer managed opening is stand-alone based and selecting electronic mail message format for the system commands where the computer managed opening is network or modem based. Neither Frolov nor Kucharczyk disclose this step, and as discussed previously, neither reference discloses the use of electronic message format for system commands.

Therefore, claim 38 is allowable over Frolov and Kucharczyk as are claims 39-49 which depend from claim 38.

In summary, claims 1-49 define over Frolov and Kucharczyk alone or in combination.

35 U.S.C. § 102(b)

Claims 1-49 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,917,405 to Joao.

With respect to amended claim 1, applicants assert that Joao does not teach or suggest each and every claimed element as set forth in amended claim 1. In particular, Joao does not teach or suggest a controller of an electronically controlled locking device having an associated database memory for storing a credential list for the access point and other data such that the controller automatically effects locking and releasing of the lock upon the presentation of a proper credential regardless of the state of the communication link, and wherein a system command operates to modify the data stored in the controller database memory, as defined by claim 1.

As best understood, Joao instead describes a control apparatus for a vehicle or residential or commercial premises. The control apparatus functions to remotely enable or disable certain devices on reading a status signal and can be used with vehicles for anti-theft measures or lost vehicle recovery through a Global Positioning System (GPS). It can also be used for controlling residential or commercial devices, such as Heating, Ventilation, Air conditioning (HVAC) devices, lighting, fire alarms, or locks, etc. As shown in Fig. 5B, server computer 510 can be accessed via the internet. However, once the server computer is accessed, a one time trigger of events occurs. An operator can remotely activate or deactivate the vehicle ignition system,

headlights, horn, or home security system. However, as described, there is no description of a system command that operates to modify data stored in a controller database.

Therefore, claim 1 defines over Joao.

Claims 2-20 depend from claim 1 and are allowable for at least the same reasons as asserted with respect to claim 1.

Further with respect to claim 2, Joao does not describe or suggest a system wherein system commands are incorporated into electronic messages in electronic mail format to communicate with a mail server as recited in claim 2. The use of e-mail format for communication between a CMO server and a controller of a locking device is not described or suggested in Joao. Further, Joao does not describe or suggest a local gateway configured to communicate with a local mail server and a controller, as recited in claim 2.

With respect to claim 3, Joao does not describe or suggest the use of a real-time clock connected in circuit with the processor of a controller, as recited in claim 3. With respect to claim 4, Joao does not disclose the use of system commands to group a user's access privilege with a respective access point or to schedule time events, as recited in claim 4.

With respect to claim 9, there is no mention in Joao of a gateway, and no mention of a gateway that converts the electronic messages from an electronic mail format to LonTalk protocol, as recited in claim 9.

Claims 21, 34, and 36 are similar in relevant respects to claim 1, and are allowable for the same reasons. Claims 22-32 depend from claim 21, claim 35 depends from claim 34, and claim 37 depends from claim 36, and as such are also allowable.

Amended claim 38 recites a step for selecting an appropriate electronic format for one or more system commands depending upon whether one or more computer managed openings are stand-alone, network or modem based, wherein this step is performed by the application server and comprises selecting file transfer protocol for the system commands where the computer managed opening is stand-alone based and selecting electronic mail message format for the system commands where the computer managed opening is network or modem based. Joao does not disclose this step, and as discussed previously, Joao does not disclose the use of electronic mail message format for system commands.

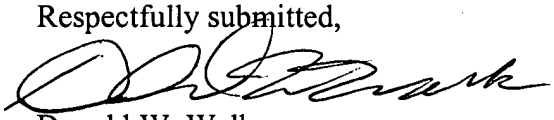
Therefore, claim 38 is allowable over Joao as are claims 39-49 which depend from claim 38.

In summary, claims 1-49 define over Joao

CONCLUSION

Entry of the Amendment and allowance of the pending claims are respectfully requested. The undersigned is available for telephone consultation at any time during normal business hours.

Respectfully submitted,



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